



# Representation of the People (Scotland) Act 1868

## 1868 CHAPTER 48

### PART III

#### SUPPLEMENTAL PROVISIONS

##### *Elections in Universities*

#### **27 Franchise for Universities.**

The Chancellor, the Members of the University Court, and the Professors for the Time being of each of the Universities of *Scotland*, and also every Person whose Name is for the Time being on the Register, made up in Terms of the Provisions herein-after set forth, of the General Council of such University, shall, if of full Age, and not subject to any legal Incapacity, be entitled to vote in the Election of a Member to serve in any future Parliament for such University in Terms of this Act.

#### **28 Qualifications for Members of General Councils.**

Under the Conditions as to Registration herein-after mentioned, the following Persons shall be Members of General Council of the respective Universities, *viz.* :

1. All Persons qualified under the Sixth or Seventh Section of the Act Twenty-first and Twenty-second *Victoria*, Chapter Eighty-three:
2. All Persons on whom the University to which such General Council belongs has after Examination conferred the Degree of Doctor of Medicine, or Doctor of Science, or Bachelor of Divinity, or Bachelor of Laws, or Bachelor of Medicine, or Bachelor of Science, or any other Degree that may hereafter be instituted :
3. And whereas it was provided by the said Sixth Section of the last mentioned Act that in each University the General Council should consist of, *inter alios*, " all Persons who within Three " Years from and after the passing of this Act shall establish, " to the Satisfaction of the Commissioners herein-after " appointed, that

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they have as Matriculated Students given " regular Attendance on the Course of Study in the University for Four complete Sessions, or such regular Attendance for Three Complete Sessions in the University, and " regular Attendance for One such complete Session in any " other *Scottish* University, the Attendance for at least Two " of such Sessions having been on the Course of Study in " the Faculty of Arts;" and whereas from various Causes many Persons omitted to establish their Qualifications in Terms of the Provision just mentioned before the Expiry of the Time mentioned therein, and it is expedient to afford such Persons the Opportunity of becoming Members of the General Councils of their respective Universities: Be it enacted as follows : Every Person who may have omitted to establish his Qualification in Terms of the recited Provision of the Sixth Section of the Act last mentioned, but who would have been entitled to have become a Member of the General Council of the University in Terms of the said Provision if his Qualification had been established within the said Period, and he had applied for Registration in Terms of said Act, shall be a Member of the General Council of the University, provided that such Person shall establish his Qualification in Terms of the recited Provision to the Satisfaction of the Registrar and Assistant Registrars herein-after mentioned, and shall farther comply with the Conditions as to Registration herein-after mentioned :

Provided always, that no Graduate of any University shall be disqualified from being a Member of the General Council of such University by reason of his being enrolled as a Student in any Class of the University : Provided also, that the Conditions as to Registration herein-before mentioned shall not apply to the Chancellor, the Members of the University Court, or the Professors for the Time being of each University, who shall be Members of the General Council of their respective Universities, and entitled to vote as such, although their Names are not inserted on the Register herein-before mentioned.

**29 Registration Book to be kept.**

The Registrar of each University shall keep a Registration Book, which shall be in the Form of Schedule (E.) to this Act annexed, and in which, under the Conditions herein-after mentioned, shall be entered the Names, Designations, Qualifications, and ordinary Places of Residence of Persons qualified to be Members of General Council, and from which the Registers of General Council herein-after directed to be made up shall from Time to Time be prepared.

**30 Registrar to enter Names therein.**

Within Two Months after the passing of this Act the Registrar shall transfer to the Registration Book from the presently existing Register the Names of all Persons who before the passing of this Act, and in virtue of the Provisions of any Ordinance of the Commissioners under the Act Twenty-first and Twenty-second *Victoria*, Chapter Eighty-three, have paid a Composition in lieu of annual Fees, and have been enrolled in such presently existing Register in virtue of such Payment; and he shall in like Manner from Time to Time after the passing of this Act, on Payment to the General University Fund of a Registration Fee of Twenty Shillings, enter in the Registration Book the Name of every qualified Person applying for Registration, but who has not compounded under the Provisions of any such Ordinance as aforesaid: Provided always, that an Abatement shall be made from such Fee equal to the Sum that may already have been paid by the Applicant in Name of Entrance Money or annual Fees: Provided also, that after the passing of this Act no Person qualified to be a Member of

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General Council shall be required to pay any annual Fee as the Condition of having his Name retained in the Registration Book, or inserted in the Register to be from Time to Time made up from it, as hereinafter enacted.

**31 Preparation of First Register under this Act. Revision by Registrar and Assistant Registrars. Authentication by the Vice-Chancellor. Register to be conclusive.**

On the first Day of *October* One thousand eight hundred and sixty-eight the Registrar shall proceed to make up from the Registration Book an alphabetical Register of Members of General Council, which Register shall be in the Form of Schedule (F.) to this Act annexed, and shall be completed within Fifteen Days ; but no Names shall be included therein which have not been entered in the Registration Book before the said First Day of *October* ; and the said Register, having been completed by the Registrar as aforesaid, shall forthwith be revised and so far as necessary corrected by him, with the Assistance of Two Members of the General Council acting as Assistant Registrars, and who shall have been nominated and appointed for that Purpose by the University Court at a Meeting to be held of such Court on or before the said First Day of *October* ; and the Revision or Correction shall be completed and a Copy of the Register, with the Names numbered from One onwards in regular Order, shall be signed by the Registrar and Assistant Registrars on or before the Twenty-first Day of *October* following ; and the Copy so signed shall thereafter be submitted by the Registrar to the Vice-Chancellor, and shall be authenticated by his Signature on every Page thereof, on or before the Twenty-fifth Day of *October* next ensuing; and the Register so authenticated shall, so far as it remains unaltered by the University Court as herein-after provided, be conclusive of the Right of Persons to be Members of the General Council from the Twenty-sixth Day of *October* One thousand eight hundred and sixty-eight to the Thirty-first Day of *December* One thousand eight hundred and sixty-nine, both Days inclusive : Provided always, that at any Meeting of or Election by the General Council of any University appointed to take place on or before the said Twenty-sixth Day of *October* One thousand eight hundred and sixty-eight the Registration Book for such University, as it stood on the Thirtieth Day of *September* immediately preceding, shall be conclusive Evidence of the Right of all Persons whose Names shall be entered therein to be Members of such General Council until the Fifth Day of *November* following.

**32 Appeal against undue Insertion of Names.**

The Registration Book and also the Register, authenticated as aforesaid, shall at all reasonable Times be open to Inspection, in the Office of the Registrar, by any Person applying for Inspection of the same, and Copies thereof may be made on Payment of a Fee of One Shilling for every One hundred Names, or fractional Part thereof, copied; and if any Member of the General Council shall consider himself aggrieved by the Insertion in the said Register of the Name of any Person whom he considers not duly qualified, it shall be competent to him, within Ten Days after the Day on or before which the Register is hereby required to be authenticated, to appeal and apply to the University Court to expunge the Name complained of; and Notice of such Appeal shall immediately be given by the Secretary of the Court to the Person against the Insertion of whose Name the Appeal is taken, with an Intimation of the Day on which the Appeal will be heard, and which shall be not sooner than Twenty nor later than Thirty Days after the last Day allowed for the Authentication of the Register ; and it shall be in the Power of such Person to appear for his Interest either personally or by Substitute ; and whether he appear or not, it shall be the Duty of the Registrar

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to attend and explain the Reasons for the Insertion of the Name complained of; and the Judgment of the Court sustaining or dismissing the Appeal shall be final, and not subject to any Process of Review, and the Register shall, if necessary, be altered by or at the Sight of the President of the said Court in conformity with such Judgment.

**33 Appeal against Omissions.**

If any Person whose Name is not inserted in the Register so authenticated as aforesaid shall consider himself aggrieved by its Omission, it shall be competent to him, within the said Period of Ten Days after the Day on or before which the Register is hereby required to be authenticated, to appeal and apply to the University Court to have it so inserted ; and the Court shall meet to consider such Appeal not later than Thirty Days after the last Day allowed for the Authentication of the Register, and after hearing the Appellant for his Interest, either personally or by Substitute, and the Registrar in explanation of the Reasons for the Omission of the Appellant's Name, shall give Judgment in the Appeal; and such Judgment shall be final, and not subject to any Process of Review, and the Register shall, if necessary, be altered by or at the Sight of the President of the said Court in conformity with such Judgment.

**34 Quorum of University Court for Purposes of Act.**

For the Purpose of performing any Duty required by this Act, the Presence of a Quorum of Three shall be sufficient to constitute a Meeting of the University Court.

**35 New Registers to be made up annually.**

On the First Day of *December* One thousand eight hundred and sixty-nine, and on the First, or when the First is on a Sunday on the Second Day of *December* in each succeeding Year, the Registrar shall proceed to prepare, in the Form of Schedule (F.) to this Act annexed, a new alphabetical Register for the Year to commence on the First Day of *January* next ensuing, which new Register he shall make up by transferring to it from that in force at the Time the Names, Designations, and Addresses (with such Corrections as he may consider necessary) of all Members not known to be dead, and by transferring to it from the Registration Book the Names, Designations, Qualifications, and ordinary Places of Residence of all Persons who shall have paid the Registration Fee since the Day of commencing to make up the Register of the preceding Year, and who are not known to have died since making Payment; and such new Register shall be completed within Fifteen Days, and shall thereafter be revised by the Registrar with the Assistance of Two Assistant Registrars appointed by the University Court, and shall then be authenticated by the Vice-Chancellor on or before the Thirty-first Day of *December* of the same Year, and such Revision and Authentication shall be carried out in the same Way as is provided in regard to the First Register directed to be made up under this Act; and the new Register shall have the same Effect for the Year to which it applies as it is herein-before provided that the said First Register shall have for the Period between the Twenty-sixth Day of *October* One thousand eight hundred and sixty-eight and the Thirty-first Day of *December* One thousand eight hundred and sixty-nine, and shall be subject in the same Way as the said First Register to Alteration by the University Court on Appeal taken either against undue Insertion or against undue Omission of Names.

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### **36 Allowance to Registrar and Assistant Registrars.**

The Registrar of each University shall be entitled to receive out of the General University Fund a Payment of One Guinea and a Half for every One hundred Names, or fractional Part thereof, that shall be entered in the First Register prepared under this Act, and of One Guinea for every Hundred Names, or fractional Part thereof, that shall be entered in the subsequent Registers, and to a Payment of Half a Guinea for every Hour, or fractional Part thereof, during which he shall be in attendance on the University Court while considering and disposing of Appeals under this Act, as the same shall be certified by the President or Secretary of the Court; and each Assistant Registrar nominated and appointed by the University Court under this Act, and officiating in Terms thereof, shall be entitled to receive from the same Fund a Payment of One Guinea for every One hundred Names, or fractional Part thereof, that shall be entered in the First Register prepared under this Act, and of Half a Guinea for "every Hundred Names, or fractional Part thereof, entered in the subsequent Registers.

### **37 Returning Officers and Intimation of Election.**

The Vice-Chancellor of the University of *Edinburgh* shall be the Returning Officer for the said University and the University of *Saint Andrews*; and the Vice-Chancellor of the University of *Glasgow* shall be the Returning Officer for the said University and the University of *Aberdeen*; and the Writs for any Election of a Member to serve in Parliament for such Universities shall be directed to such Returning Officers respectively; and the Vice-Chancellor to whom a Writ for any such Election shall be directed shall endorse on the Back thereof the Day on which he received it, and shall, within Three Days thereafter, announce a Day and Hour (which Day shall not be less than Three or more than Six clear Days after that on which the Writ was received), and a Place within the City of *Edinburgh*, for an Election for the Universities of *Edinburgh* and *Saint Andrews*, or within the City of *Glasgow* for an Election for the Universities of *Glasgow* and *Aberdeen*, as the Case may be, and shall give Intimation thereof by Advertisement in such Newspapers as he shall deem expedient, and shall also, within the said first-mentioned Three Days, give Intimation thereof in Writing to the Vice-Chancellor of the University of *Saint Andrews* or of *Aberdeen*, as the Case may be.

### **38 Proclamation of Writs for Universities.**

On the Day announced as aforesaid by the Vice-Chancellor for the Election such Vice-Chancellor shall repair to the Place named by him, to which Place all Persons entitled to vote in such Election shall in the aforesaid Advertisement be invited to repair on the Day and at the Hour named; and the said Vice-Chancellor shall then and there proclaim the Writ by reading it; and if no more than One Candidate shall be proposed for the Choice of the Electors, he shall, upon a Show of Hands, forthwith declare the Person so put in Nomination to be duly elected; it being always competent for any Person entitled to vote in such Election under this Act to repair to the Place where the Writ is proclaimed, and to put any Person in Nomination; and if more than One Candidate shall be proposed, and a Poll shall be demanded, the Proceedings shall be adjourned for the Purpose of taking the Poll for not less than Six or more than Ten clear Days, exclusive of *Saturdays* and *Sundays*; and the Vice-Chancellor shall forthwith give public Intimation of such Adjournment, and of the Names of the Candidates who have been proposed, by Advertisement in such Newspapers as he shall deem expedient, and shall also give Intimation thereof in Writing to the Vice-Chancellor of the University of *Saint Andrews* or of *Aberdeen*, as the Case may be.

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### 39 Polling at University Elections.

The following Regulations shall be observed with respect to the Polling :—

1. On the Day to which the Proceedings have been adjourned as aforesaid for the Purpose of taking the Poll the Polling shall commence at each University at Eight O'Clock in the Morning, and may continue for not more than Five Days (exclusive of *Sundays*), but no Poll shall be kept open later than Four O'Clock in the Afternoon.
2. The Vice-Chancellor of each University shall appoint the Polling Place at such University, and, if he shall think fit, shall advertise the same, and also shall have Power to appoint One or more Pro-Vice-Chancellors to take the Poll at such University, and record the Votes in Poll Books, and decide all Questions with regard thereto, in the same Manner as nearly as may be, and except as herein provided, as Polls are now taken at Elections for Members to serve in Parliament for Burghs and Counties in *Scotland* and such Vice-Chancellor shall have Power to appoint a Poll Clerk or Poll Clerks for the Purpose of assisting the Pro-Vice-Chancellor or Pro-Vice-Chancellors in taking the Poll as herein-before mentioned.
3. The Poll Books in which the Votes have been recorded as herein-before provided shall be forthwith delivered by the Pro-Vice-Chancellor to the Vice-Chancellor by whom he was appointed; and the Vice-Chancellors of the Universities of *Saint Andrews* and *Aberdeen* respectively shall, on receiving such Poll Books, immediately transmit them to the Vice-Chancellor, who is the Returning Officer for such University; and such Vice-Chancellor shall, within Three Days after such Poll Books have been received by him, in Presence of the Candidates or their Agents, or of such of them as shall think proper to attend or to appoint such Agent, cast up the Number of Votes as they appear on the several Books, and shall forthwith publish in the *Edinburgh Gazette* a Notice containing the Name of the Candidate for whom the largest Number of Votes has been given, and declaring such Candidate to be duly elected, and shall make a Return in the Form of similar Returns presently used (as nearly as may be) in Terms of the Writ, under his Hand and Seal, to the Clerk of the Crown in England, and if the Votes be equal he shall make a double Return.
4. All the Provisions of an Act passed in the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, intituled *An Act to provide that Votes at Elections for the Universities may be recorded by means of Voting Papers*, except so much of the said Act as requires that the Person delivering the Voting Paper shall make Attestation of his personal Acquaintance with the Voter, shall apply to every Election of a Member for the Universities of *Edinburgh* and *Saint Andrews*, and for the Universities of *Glasgow* and *Aberdeen*, subject to the following Provisions :

The Words " recorded in the Manner heretofore used," in the Second Section of the recited Act, shall in this Act mean " recorded in the Manner herein-before directed.

" The Word " Misdemeanor," in the Fifth Section of the recited Act, shall include Crime and Offence.

A Voting Paper may be signed by a Voter being in one of the Channel Islands in the Presence of the following Officers; that is to say,

1. In *Jersey and Guernsey*, of the Bailiffs, or any Lieutenant Bailiff, Jurat, or Juge d'Instruction :
2. In *Alderney*, of the Judge of *Alderney*, or any Jurat:
3. In *Sark*, of the Seneschal or Deputy Seneschal:

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And for the Purpose of certifying and attesting the Signature of such Voting Paper, each of the said Officers shall have all the Powers of a Justice of the Peace under the recited Act; and a Statement of the official Quality of such Officer shall be a sufficient Statement of Quality in pursuance of the Provisions of the said Act.

In lieu of the Schedule annexed to the recited Act, the Schedule (G.) to this Act annexed shall be substituted in Elections for the Universities, of *Edinburgh* and *Saint Andrews*, and for the Universities of *Glasgow* and *Aberdeen*.

#### **40 University Election Expenses.**

Every Vice-Chancellor to whom a Writ for the Election of a Member to serve in Parliament shall, under the Provisions of this Act, be directed, shall be allowed in Exchequer such Payments for executing such Writ as are allowed to Sheriffs under the existing Law in the Case of Elections for Counties or Burghs; and in all Cases where a Poll has been demanded the Candidates shall be bound to pay and contribute among them to each Pro-Vice-Chancellor appointed under this Act, for superintending the Poll, a Fee of Three Guineas for the First, and of One Guinea for each subsequent Day in which he shall have been so engaged; and the Candidates shall further be bound to pay and contribute among them to each Poll Clerk One Guinea per Day, and the Candidates shall in like Manner be bound to defray the necessary Expenses incurred by the Vice-Chancellors in the Transmission or Receipt of Poll Books or other Communications or in making any Advertisements required or enjoined by this Act; and if any Person shall be proposed as a Candidate without his Consent, the Person so proposing him shall be liable to pay his Share of all such Expenses in like Manner as if he had been himself a Candidate.

#### **41 Provision for Incapacity of Vice-Chancellor or Registrar.**

Where the Vice-Chancellor or Registrar of any University is absent, or is incapacitated by Illness for discharging any Duty required of him by this Act, or if the Office of Vice-Chancellor or of Registrar shall be vacant, the Duties herein imposed on the Vice-Chancellor or Registrar respectively shall be discharged by a Person appointed for that Purpose by the University Court of such University ; and such Person shall in that respect, but in no other, act for the Time as and be deemed to be Vice-Chancellor or Registrar of such University.